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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Steven L. Wechsler, Anthony B. Nesburn, Guey-Chuen Perng, John S. Yu and Keith L. Black  
Serial No. Unassigned  
Filed: October 29, 2001  
For: A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS

**PRELIMINARY AMENDMENT**

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAILING		
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date and label indicated below and is addressed to Box PATENT APPLICATION, The Assistant Commissioner for Patents, Washington, D. C. 20231		
OCTOBER 29, 2001 DATE OF DEPOSIT	 SIGNATURE: SHIRLEY DOW	EL 773 915 967 US EXPRESS MAIL LABEL NO.

Dear Sir or Madam:

This Preliminary Amendment is filed with a divisional application of pending U.S. Serial No. 09/299,817, filed April 26, 1999. The divisional application filed herewith is directed to Claims 120-178, originally filed in parent U.S. Serial No. 09/299,817, which claims were designated Group IV in a restriction requirement, mailed August 1, 2000. The Examiner is respectfully requested to consider the following amendments and remarks.

**AMENDMENT**

A Version With Markings To Show Changes Made is included beginning at page 6, after Applicant's Remarks.

**IN THE SPECIFICATION:**

In the Title, at page 1, lines 1-2, please delete "A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND METHODS FOR ITS USE TO TREAT CANCERS AND TO EXPRESS DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS", and insert therefor: